

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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GERARDO FIGUEROA,

Plaintiff,

-v.-

3:08-CV-0868  
(TJM)(DEP)

TRI-CITY HIGHWAY PRODUCTS, INC., and  
MARTIN A. GALASSO, JR., *President of Tri City  
Highway Products, Inc.*,

Defendants.

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APPEARANCES:

FOR PLAINTIFF:

GERARDO FIGUEROA, *Pro Se*  
P.O. Box 77  
Whitney Point, NY 13862

FOR DEFENDANTS:

GIRVIN, FERLAZZO LAW FIRM  
20 Corporate Woods Boulevard  
2nd Floor  
Albany , NY 12211-2350

SCOTT P. QUESNEL, ESQ.

DAVID E. PEEBLES  
U.S. MAGISTRATE JUDGE

ORDER

Currently pending before the court in connection with this action is a motion by plaintiff Gerardo Figueora, who is proceeding *pro se*, for leave to file a late jury demand. Dkt. No. 20. Plaintiff's motion is vigorously opposed by the defendants. Dkt. Nos. 21, 22.

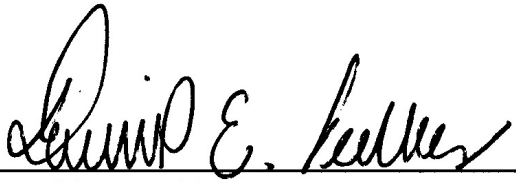
Oral argument was conducted in connection with plaintiff's motion on March 20, 2009, in Binghamton, New York. Following the close of argument I exercised my discretion pursuant to Rules 6(b) and 39 of the Federal Rules of Civil Procedure in favor of permitting plaintiff to file a late jury demand in the case. Based upon the foregoing and the court's bench decision, which is incorporated herein by reference, it is hereby

ORDERED, that plaintiff's motion for leave to file a late jury demand in this action is GRANTED; and it is further

ORDERED, that any jury demand filed in accordance with this order must be submitted, with proof of service upon defendants' counsel, on or before April 9, 2009; and it is further

ORDERED, that the clerk is directed to forward a copy of this order to defendants' counsel, electronically, and to the plaintiff *pro se* plaintiff, by regular mail.

Dated: March 25, 2009  
Syracuse, NY

A handwritten signature in black ink, appearing to read "David E. Peebles", written over a horizontal line.

David E. Peebles  
U.S. Magistrate Judge